

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 6:20-CR-97-01
v.	§	
	§	JUDGES JCB/JDL
SHAWN CARL GAITAN (01)	§	

FACTUAL BASIS

Investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE), Drug Enforcement Administration (DEA), Texas Department of Public Safety, and the Gregg County Sheriff's Office disclosed the following facts that establish that I, the defendant, **Shawn Carl Gaitan**, committed the conduct described in Count 1 of the indictment, which charges a violation of 21 U.S.C. § 846 (conspiracy to distribute and to possess with intent to distribute methamphetamine). I agree that the following factual basis is true and correct:

1. Beginning in or about September 2019, I knowingly and intentionally combined, conspired, confederated, and agreed with others, including co-defendants in this case, to distribute methamphetamine in the Eastern District of Texas. It was the objective of the conspiracy to earn a profit by possessing with the intent to distribute and distributing at least 50 grams or more of actual methamphetamine or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. Within the conspiracy, I served as a trafficker of bulk methamphetamine for wholesale and mid-level distributors. I knew that those others whom I supplied would further distribute the

methamphetamine before it was purchased by end users. I stipulate that: (1) I was personally responsible for the possession with intent to distribute at least 1.5 kilograms but not more than 4.5 kilograms of actual methamphetamine or at least 15 kilograms but not more than 45 kilograms of a mixture or substance containing a detectable amount of methamphetamine, (2) my co-conspirators and I distributed at least that amount during my involvement in the conspiracy, and (3) such distribution was part of the jointly undertaken activities of the conspiracy.

2. I had agreed with my co-conspirators, including my co-defendants in this case, to violate federal drug laws by facilitating the purchase and distribution of methamphetamine in the Longview, Texas area, which is in the Eastern District of Texas. I knew that the objective of the conspiracy was to distribute methamphetamine, and I knowingly involved myself in the conspiracy. My co-conspirators and I were interdependent upon each other to achieve our objectives of purchasing and distributing methamphetamine.

3. On March 2, 2020, I sold approximately one pound of methamphetamine to a person who I now know was working for law enforcement as a confidential informant. This methamphetamine was tested in a laboratory and determined to be 413.9 grams of actual methamphetamine. On March 5, 2020, I directed co-defendants Shane Dispennett and Lance Allen to transport approximately one kilogram of methamphetamine from Houston to Longview for me. Dispennett and Allen were stopped by DPS Troopers, the methamphetamine was located, and they were arrested. The methamphetamine seized

from Dispennett and Allen's car was later tested in a laboratory and determined to be 767 grams of actual methamphetamine. I stipulate that these incidents were in furtherance of my participation in the conspiracy charged in Count 1 of the indictment.

4. I am pleading guilty to Count 1 in this case because I am guilty of the violation alleged. I have had an opportunity to consult with an attorney and I am satisfied with the advice and counsel provided to me. I acknowledge that these acts violated 21 U.S.C. § 846. I hereby stipulate that the facts described above are true and correct, and I accept them as the uncontested facts of this case.

5. I stipulate and agree to forfeit any and all interest I may have in the following property to the United States because the property constitutes contraband, instrumentalities of my offenses, or proceeds traceable to the illegal activity described in the indictment or was used or intended for use to facilitate the offense described in the indictment:

a. a money judgment in the amount of \$10,000.00, which represents proceeds obtained by me as a result of the offense alleged in Count 1 of the indictment and relevant conduct, for which I am personally liable.

Dated: 9-2-21


SHAWN CARL GAITAN
Defendant

I have reviewed this Factual Basis with the defendant. Based on these discussions, I am satisfied that he understands the terms and effect of the Factual Basis and that he has signed it voluntarily.

Dated: 9-2-21

A handwritten signature in black ink, consisting of two large, rounded loops, positioned above a horizontal line.

CARLO D'ANGELO
Attorney for Defendant